

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICHIA CORPORATION,

No. C 06-0162 MMC

Plaintiff,

v.

**ORDER DENYING PLAINTIFF'S  
MOTION FOR LEAVE OF COURT TO  
FILE MOTION FOR  
RECONSIDERATION OF ORDER OF  
JUNE 20, 2007**

SEOUL SEMICONDUCTOR CO.,LTD., et al.,

Defendants

The Court is in receipt of plaintiff's "Motion for Leave of Court to File Motion for Reconsideration of Order of June 20, 2007," filed June 29, 2007.

By order filed June 20, 2007, the Court referred to Magistrate Judge Joseph C. Spero two motions filed by plaintiff, specifically, plaintiff's "Motion to Bar the Seoul Defendants' Obviousness Defense; and to Strike the Seoul Defendants' Obviousness Defense from the Expert Reports of Richard A. Flasck Pursuant to Fed. R. Civ. Proc. 26(A)(2)," and plaintiff's "Motion to Strike the Supplemental Expert Report of Richard A. Flasck Pursuant to Fed. R. Civ. Proc. 26(A)(2)," both filed June 15, 2007.


Plaintiff contends said two motions "will determine which issues may be decided on summary judgment and will also determine whether or not certain evidence should be

1 relied upon in ruling on those summary judgment motions.”<sup>1</sup> Consequently, plaintiff argues,  
2 the Court should reconsider its referral and hear both motions on July 27, 2007.

3 The Court finds no grounds upon which to reconsider its order of June 20, 2007.  
4 Each of the referred motions is wholly premised on defendants’ having violated their  
5 discovery obligations, and, consequently, referral to Magistrate Spero, to whom all  
6 discovery disputes have been referred, is appropriate. Further, the referred motions have  
7 no bearing on defendants’ motion for summary judgment, which does not address the issue  
8 of obviousness or rely on the Supplemental Report of Richard A. Flasck. To the extent  
9 defendants rely on said supplemental report in opposing plaintiff’s motion for summary  
10 judgment, and to the extent it becomes necessary for the Court to consider said report in  
11 order to rule on plaintiff’s motion for summary judgment, the Court may, to such extent,  
12 defer ruling on plaintiff’s motion for summary judgment pending Magistrate Judge Spero’s  
13 ruling on the referred motions.

14 **IT IS SO ORDERED.**

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16 Dated: July 3, 2007

  
MAXINE M. CHESNEY  
United States District Judge

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<sup>1</sup>Each party has filed a motion for summary judgment; both motions are scheduled for hearing on July 27, 2007.